

respect to images captured by said selected camera in accordance with the selected photographic product/service plan.

REMARKS

The Examiner in the Official Action rejected Claims 1 - 36 under 35 U.S.C. 103(a) as being unpatentable over Frey et al (U.S. 6,369,908) in view of Enomoto (U.S. 5,974,401) for the reasons set forth in pages 2, 3 and 4.

Applicant respectfully submits that neither the Frey or Enomoto reference individually, or in combination, teach or suggest the invention as set forth by applicant. With respect to the Frey et al reference, this reference is directed to a kiosk for taking images and automatically processing and delivering to a user an image product that may include text or sound along with the image. The kiosk includes data entry type devices for entering text and or voice to be added. As the Examiner has acknowledged, there is no selecting of the camera. This is obvious as the kiosk has its own fixed camera. Likewise, in addition to not disclosing the selecting of the camera as claimed by applicant, the present invention includes selecting a photograph product/service plan from a menu of photographic product/service plans and then associating the selected camera with the selected product/service plan and creating a product service plan account indicia thereof.

The Frey reference fails to disclose many aspects of these additional features. While Frey does allow the user to select an end product, it does not provide for selection of a product/service plan. Further, there is no association of the selected camera with the photographic service/plan. Additionally, in the claimed invention there is created a product /service plan account indicative of the selected camera and product/service plan. Thus, in the present invention the camera is associated with a specific that is to be associated with a plan account. Claim 1 further sets forth the entering of the product/service plan account into a computer data base to maintain a record of the photographic products and services to be provided in accordance with the selected photographic/service plan. In this regard, independent Claim 1 has been amended to clearly set forth that the entering of the product/service plan account into the computer data base to maintain a record photographic products and /or services to be provided in accordance with images captured by the selected photographic product/service plan. In the Frey reference, the camera is not designed to provide photographic

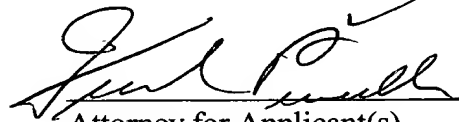
products or services in accordance with any plan. Quite the contrary, the Frey reference teaches away from the present invention as virtually all orders will be different from each other. There will be no common plan for providing goods or services with respect to that specific camera.

Additionally, not only does Frey fail to teach or suggest providing of a particular products by a service plan, it also fails to teach or suggest associating the plan with the camera such that the particular goods and/or services will be provided with respect to that particular camera.

The Examiner has cited Enomoto for teaching of providing of digital print and/or delivery systems. However, it is quite clear that Enomoto is not directed to a particular camera but instead is simply directed to ordering images over a communication network such as the Internet. Further, there is no teaching or suggesting or motivation for combining the Frey reference with Enomoto. Quite the contrary, the Frey reference is directed to a kiosk and the Enomoto reference is directed to an Internet ordering system. In neither case do these references teach or suggest associating a particular product/service plan with a particular camera and setting up an account whereby image products are to be provided that relate to images captured by the camera. Thus, the prior art, even if combined as suggested, fail to disclose claim limitations of the present invention.

In conclusion, as respectfully submitted that the prior art cited does not teach or suggest the invention as taught and claimed by applicant.

Respectfully submitted,



Attorney for Applicant(s)
Registration No. 27,370

Frank Pincelli/mr
Enclosure(s)
Telephone: (585) 588-2728
Facsimile: (585) 477-4646

"Version With Markings To Show Changes Made"

In the Claims:

1.(amended) A method of providing photographic products and/or services, the method comprising the steps of:

selecting a camera;

selecting a photographic product/service plan from a menu of photographic product/service plans;

associating the selected camera with the selected photographic product/service plan and creating a product/service plan account indicative thereof; and

entering said product/service plan account into a computer database to maintain a record of photographic products and/or services to be provided with respect to images captured by said selected camera in accordance with the selected photographic product/service plan.